

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Michael Robert Benbow

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Richmond City Jail

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

3:23 CV 34

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☐

No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

~~LT. J. Brown~~ ⁶⁷⁵ Michael Benbow
 1701 Fairfield Way
 Richmond VA 23225
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

J. Brown
 LT.
 1701 Fairfield Way
 Richmond VA 23225
 City State Zip Code

☐ Individual capacity ☐ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

S. Brown
 Deputy
 1701 Fairfield Way
 Richmond VA 23225
 City State Zip Code

☐ Individual capacity ☐ Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Privileges, Human Rights Etc.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Paper Attach

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Richmond City Jail

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Dates on Paper Attach

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Refer to Paper Attach

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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

One situation I passed out and had to go to medical because my blood pressure went up a result of the deputy's trying to send two inmates in my cell to stab me on 9/28/2022

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$25K to 50K

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/3/2023

Signature of Plaintiff

Printed Name of Plaintiff

Michael Robert Benbow
Michael Robert Benbow

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

on 9/28/2022 I was Placed in Richmond city Jail

Custody. My rights was denied and I was also Neglected my basic needs. I was Put into the suicide chair for banging my head on the wall. While I was in the suicide chair my cell door was unlock and 2 deputy's ^(J. Brown LT, S. Brown) was trying to send to inmates in my cell to try and stab me (video won't lie) I yelled to the deputy that my blood pressure was high I need to see the nurse and I want my cell door locked when I got out the chair I Passed out in my cell before being taken to Medical.

on 9/28/2022 I was never fingerprinted in the Jail which is a violation on the Jails Part they was so worried about my case then focusing on my health and me being an inmate and in there custody wasn't even give No hygiene products or anything they refused to let me shower

on 10/2/2022 I was sent to VCU Medical Center for not eating for 12 meals while at VCU medical Center Doctor Jeremy Sayers did an evaluation on my Right foot and said there was ~~no~~ no reason my foot should have been wrapped so tight like in a cast form it was hard for him to get it off and he check my Right thigh where I had stitches and realized an infection as well he called the medical department of the Jail and they had No clue why my foot was wrapped the way it was and advised them to remove my stitches in two days which would've been a Wednesday 10/4/22 but they decided to remove them on Thursday disregarding a doctors order.

on that weekend of the 28th of September my water in my cell and my toilet was completely turned off I was left in piss and feces the whole weekend deputies was kicking my door so I couldn't sleep and I didn't receive wound care at all that weekend my stitches was never clean and left with the same gauzes on the whole weekend this is inhumane and neglect and No inmate should have to go thru this regardless of what your charge maybe.

on 12/12/2022 I was never giving my 2am medicine I'm housed on a Mental health ^{unit} where I should be giving all my medicine at the proper time there is no reason why Medical shouldn't be giving me my meds.

from 12/8 - 12/16

I'm being kept in a cell for 24hrs with no rec I should receive at least an hour out a day the Max time I been out was 30 minutes I'm not on any disciplinary status there is no reason why I'm being kept in this cell so long without a minimum of an hour My rights are not being followed I'm being treated unfair and like a pitbull. I'm on a Mental health unit keeping me in a cell for 24 to 48hrs with no books or anything to do doesn't help a Person Mental state it makes it worst.

As of 1/3/2023 I'm currently housed at Central State Hospital